REMARKS

I. Summary of the Office Action

Claims 1-97 are pending in this application.

Claims 1-4, 6-15, 17-20, 22-24, 26-29, 31, 32, 35-37, 50, 52, 54-65, 67-70, 75-77, 79, 80, and 83-85 were rejected under 35 U.S.C. § 102(e) as being anticipated by LaJoie et al. U.S. Patent No. 5,850,218 (hereinafter "LaJoie"). Claims 5, 16, 21, 25, 30, 33, 34, 38-41, 51, 53, 66, 71-74, 78, 81, 82, and 86-89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of several allegedly well-known program guide features.

The Examiner rejected claims 42-48 and 90-96 under 35 U.S.C. § 103(a) as being unpatentable over Lajoie in view of Florin et al. U.S. Patent No. 5,583,560 (hereinafter "Florin"). The Examiner rejected claims 49 and 97 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Florin in further view of Alexander et al. U.S. Patent No. 6,177,931 (hereinafter "Alexander").

II. Summary of Applicant's Reply to Office Action

Claims 1, 27, 42, 50, 75, and 90 have been amended to more particularly define the invention. No new subject matter

has been added and the amendments are fully supported and justified by the specification.

Claims 98-144 have been added. No new subject matter has been added and the new claims are fully supported and justified by the specification.

These rejections are respectfully traversed.

III. The Rejections Based on 35 U.S.C. § 102

III.1 The Rejection of Claims 1-4, 6-15, 17-20, 22-24, 26, 50, 52, 54-65, and 67-70

Claims 1-4, 6-15, 17-20, 22-24, 26, 50, 52, 54-65, and 67-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by LaJoie. Applicant has amended independent claims 1 and 50 to more particularly define the invention. No new matter has been added and the amendments are fully supported and justified by the specification. This rejection is respectfully traversed.

Applicant's invention, as set forth in amended independent claims 1 and 50, is directed towards a system and method for displaying a television program while simultaneously displaying, in a partial screen program guide, at least one video-on-demand program listing. For example, a viewer can

watch a selected television program while browsing automatically updated text descriptions of video-on-demand programs. The interactive television program guide system then displays a video-on-demand program immediately when the viewer selects the video-on-demand program listing.

This provides a simplified and streamlined program guide display by displaying video-on-demand program listings while simultaneously displaying a given television program that is currently being broadcast. "This feature may be particularly useful when, for example, one member of the household desires to browse video-on-demand programs while another household member desires to continue watching a program in progress" (Applicant's specification, page 21, lines 14-18).

The Examiner contends that LaJoie teaches "display[ing] a partial screen program guide onscreen (508) at the same time as a TV program (Figure 25, 508)" (December 18, 2002 Office Action, page 3). Contrary to the Examiner's contention, display 508 of FIG. 25 does not show "a partial program guide onscreen (508) at the same time as a TV program." Rather, FIG. 25 clearly shows a pay-per-view ordering interface. In particular, in response to a viewer attempting to record a pay-per-view program and entering a valid pin, the

viewer will be provided with "the Impulse Pay-Per-View event, as illustrated by display 508, when the event is currently being shown" (LaJoie, column 29, lines 57-58). In response to purchasing a pay-per-view program that has not started, a countdown barker will be displayed informing the user of the time remaining until the beginning of the next showing of the program (e.g., fifteen minutes, one hour, etc.) (LaJoie, column 31, lines 21-25).

The Examiner further contends that "the EPG display[s] information on a VOD program listing (Figure 25, 508)" (December 18, 2002 Office Action, page 3). Contrary to the Examiner's contention, FIG. 25 merely shows information relating to the pay-per-view program currently being shown. LaJoie does not show a program guide display that includes at least one video-on-demand program listing, as claimed in independent claims 1 and 50.

Even if LaJoie were to disclose the "displaying a television program while simultaneously displaying, in a partial screen program guide, at least one video-on-demand program listing" feature of independent claims 1 and 50, which it does not, LaJoie still does not disclose "displaying a video-on-demand program immediately when a viewer selects said

video-on-demand program listings," as described in applicant's amended independent claims 1 and 50. Rather, LaJoie shows a pay-per-view ordering interface that, in response to a viewer purchasing a pay-per-view program after selecting to record the pay-per-view program, a) "switches back to interactive program guide display 504 and note[s] the future recording by providing a record icon 506 when the program to be recorded is a future event," or b) if the pay-per-view program has already started, will immediately display the pay-per-view program at the part of the program that is currently being shown (LaJoie, column 29, lines 52-58). LaJoie fails to disclose or suggest displaying a video-on-demand program immediately when a viewer selects the video-on-demand program listing.

Accordingly, for at least these reasons, LaJoie does not show or suggest all of the claimed features of applicant's invention defined by amended independent claims 1 and 50. Therefore, the rejection of claims 1 and 50 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 2-4, 6-15, 17-20, 22-24, 26 are dependent from claim 1 and are allowable because claim 1 is allowable. Claims 52, 54-65, and 67-70 are dependent from claim 50 and are allowable because claim 50 is allowable.

III.2 The Rejection of Claims 27-29, 31, 32, 35-37, 75-77, 79, 80 and 83-85

Claims 27-29, 31, 32, 35-37, 75-77, 79, 80, and 83-85 were rejected under 35 U.S.C. § 102(e) as being anticipated by LaJoie. Applicant has amended independent claims 27 and 75 to more particularly define the invention. No new matter has been added and the amendments are fully supported and justified by the specification. This rejection is respectfully traversed.

Applicant's invention, as set forth in amended independent claims 27 and 75, is directed towards a system and method for allowing a viewer to advance order a video-on-demand program that is represented by a video-on-demand program listing. In response to receiving a request from the viewer to advance order the video-on-demand program, the viewer is allowed to input a start-time to display the video-on-demand program.

The Examiner contends that LaJoie shows "an EPG system which allows a subscriber to order a VOD program via a VOD program listing (Figure 24, column 29, lines 5-39), the program may be ordered in advance of its display time (Figure 28)" (December 18, 2002 Office Action, page 5). Contrary to the Examiner's contention, FIG. 24 shows LaJoie's

One-Touch Recording (OTR) feature. "[P]ressing record key 472 with an Impulse Pay-Per-View program 494 highlighted causes a buy option window 496 to be displayed" (LaJoie, column 29, lines 33-39).

Even if LaJoie were to disclose "displaying a program guide display including at least one video-on-demand program listing " and "allowing a viewer to advance order a video-on-demand program represented by the video-on-demand program listing," as claimed in independent claims 27 and 75, which it does not, LaJoie still does not disclose allowing the viewer to input a start-time to display the video-on-demand program in response to receiving a request from the viewer to advance order the video-on-demand program, as described in applicant's amended independent claims 27 and 75. Rather, LaJoie only shows pay-per-view interfaces that allow "the user to select an IPPV program title from a list of titles 566 and a time from a list of times 568" (LaJoie, column 31, lines 33-38). While the user may scroll through a list of times that a particular pay-per-view program is being shown (e.g., selecting between the predetermined show times of 1:00PM and 3:00PM for a desired pay-per-view program), nowhere in LaJoie it is disclosed or

suggested to allow the viewer to input a start-time to display the video-on-demand program as specified in claims 27 and 75.

Accordingly, for at least these reasons, LaJoie does not show or suggest all of the claimed features of applicant's invention defined by amended independent claims 27 and 75. Therefore, the rejection of claims 27 and 75 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 28, 29, 31, 32, 35-37 are dependent from claim 27 and are allowable because claim 27 is allowable. Claims 76, 77, 79, 80, and 83-85 are dependent from claim 75 and are allowable because claim 75 is allowable.

IV. The Rejections Based on 35 U.S.C. § 103

IV.1 The Rejection of Claims 42-49 and 90-97

The Examiner rejected claims 42-48 and 90-96 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Florin. The Examiner also rejected claims 49 and 97 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Florin in further view of Alexander. Applicant has amended independent claims 42 and 90 to more particularly define the invention. No new matter has been added and the amendments are

fully supported and justified by the specification. This rejection is respectfully traversed.

Applicant respectfully requests that the obviousness rejection should be withdrawn because the LaJoie/Florin combination fails to teach all of the features of applicant's claimed invention. Applicant's invention, as set forth in amended independent 42 and 90, is directed towards a system and method for providing a video clip preview of a video-on-demand program. In particular, a viewer is provided with a program guide display that includes at least one video-on-demand program listing. The viewer may be allowed to request a video clip preview of a video-on-demand program represented by a video-on-demand program listing. The viewer may also be provided with an indication that the video clip preview is available for the video-on-demand program. For example, the viewer may be provided with "a video clip icon to indicate that the listed program has an associated video clip preview" (Applicant's specification, page 21, lines 20-23).

In rejecting claims 42 and 90, the Examiner contends that LaJoie discloses "an EPG system which allows a user to browse VOD programming (Figure 25)" (December 18, 2003 Office Action, page 12). However, similar to applicant's argument for

the patentability of claims 1, 27, 50, and 75, which can also be applied to independent claims 42 and 90, FIG. 25 clearly shows an Impulse Pay-Per-View event that is provided to the viewer in response to the viewer pressing a record button and entering a valid pin number. Applicant respectfully submits that LaJoie fails to show or suggest a program guide display that includes at least one video-on-demand program listing.

The Examiner correctly admits that LaJoie fails to disclose "the ability to request a video clip preview" (December 18, 2002 Office Action, page 12). Nevertheless, the Examiner contends that this deficiency in LaJoie can be made up with Florin. Florin discloses an audio-visual interface for viewing and interacting with programs and services.

In rejecting claims 42 and 90, the Examiner contends that Florin "discloses an EPG system with VOD programming in Figure 38, that includes a preview icon 382 which allows a subscriber to request playback of a trailer for a VOD program in a video window (column 22, lines 52-67)" (December 18, 2002 Office Action, page 12). Applicant respectfully disagrees. The Examiner is correct in stating that FIG. 38 shows a preview icon. However, as shown in FIG. 38 and as described in the accompanying text, upon the selection of the pay-per-view

program, "a preview icon 384, an info icon 386, and a ticket icon 388 are displayed, along with a preview trailer which is continuously looping and is displayed in a half-screen picture-in-picture window" (Florin, column 22, lines 59-65). Therefore, in Florin, the preview icon appears after the pay-per-view program has been selected and the "preview trailer" is displayed in response to selecting the pay-per-view program and not in response to selecting the preview icon. Nowhere in Florin or LaJoie is it disclosed or suggested to (1) display a program guide display that includes at least one video-on-demand program listing, (2) allow a viewer to request a video clip preview of a video-on-demand program represented by the video-on-demand program listing, and (3) indicate that the video clip preview is available for the listed video-on-demand program.

Furthermore, even if all of applicant's claimed features were taught by the LaJoie/Florin combination as the Examiner suggests, the obviousness rejection must still be withdrawn because the Examiner has failed to provide support for modifying LaJoie with Florin. See In re Rouffet, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be

some teaching, suggestion, or motivation to combine the references.") See also MPEP § 2142 and 2143.01. It is well-settled that an Examiner can "satisfy this burden only by showing some objective teaching ... that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (emphasis added).

Instead of providing an objective teaching of a motivation to combine LaJoie and Florin, however, the Examiner merely concludes that it would have been obvious to combine LaJoie and Florin to obtain applicant's novel approach:

> Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify LaJoie to include the VOD preview option as taught by Florin in order to interest a subscriber in purchasing the program.

(December 18, 2002 Office Action, page 13). But such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed.Cir. 2000).

Without objective evidence of a motivation to combine, the obviousness rejection is the "essence of

hindsight" reconstruction, the very "syndrome" that the requirement for such evidence is designed to combat, and insufficient as a matter of law. *Id.* at 1617-1618. For this reason alone the rejection of claims 42-49 and 90-97 must be withdrawn. Gambro Lundia AB v. Baxter Healthcare Corp., 42 U.S.P.Q.2d 1378, 1383 (Fed. Cir. 1997).

IV.2 The Rejection of Claim 5

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the feature of allowing the viewer to browse through available categories of video-on-demand program listings in the program guide using remote control keys, as defined by claim 5. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to include PPV/VOD programming in the theme listings thereby making it easier for a subscriber to navigate programming choices" (December 18, 2002 Office Action, page 8).

Claim 5 is patentable at least because it depends from claim 1. Claim 5 is also patentable because it adds features to the base claim that further define how video-on-demand program listings are displayed to the user.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The feature added to independent claim 1, which includes allowing the viewer to browse through available categories of video-on-demand program listings in the program guide using remote control keys, is not well known in the art. The feature defined by claim 5 is not representative of knowledge that is of notorious character and does not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claim 5.

Accordingly, claim 5 is patentable and nonobvious in light of LaJoie.

IV.3 The Rejection of Claims 16 and 66

The Examiner rejected claims 16 and 66 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the feature of using an icon to indicate that a program displayed in the program guide display is available on demand, as defined by claims 16 and 66. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to include an icon to identify VOD programming in a web browser allowing a subscriber to easily identify programs to watch" (December 18, 2002 Office Action, page 9).

Claims 16 and 66 are patentable at least because they depends from claims 1 and 50, respectively. Claims 16 and 66 are also patentable because they add features to their respective base claims that further define how video-on-demand program listings are displayed to the user.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are

capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The feature added to independent claims 1 and 50, which includes using an icon to indicate that a program displayed in the program guide display is available on demand, is not well known in the art. The feature defined by claims 16 and 66 is not representative of knowledge that is of notorious character and does not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claims 16 and 66.

Accordingly, claims 16 and 66 are patentable and nonobvious in light of LaJoie.

IV.4 The Rejection of Claim 21

The Examiner rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the features of reminding the viewer of the start time for the ordered program and providing the viewer with an option to watch the ordered program immediately, as defined by claim 21.

However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to include an instantaneous streaming capability to allow a user to watch a program at any time instead of waiting a few minutes for the next iteration" (December 18, 2002 Office Action, page 9).

Claim 21 is patentable at least because it depends from claim 1. Claim 21 is also patentable because it adds features to the base claim that further define how video-on-demand program listings are displayed to the user.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The features added to independent claim 1, which include reminding the viewer of the start time for an ordered program and providing the viewer with an option to watch the ordered program immediately, are not well known in the art. The feature defined by claim 21 is not representative of knowledge that is of notorious character and does not justify the Examiner's use

of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claim 21.

Accordingly, claim 21 is patentable and nonobvious in light of LaJoie.

IV.5 The Rejection of Claim 25

The Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the features of reminding the viewer of the start time for the ordered program and providing the viewer with an option to enter a viewer-defined start time for the ordered program, as defined by claim 25. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to record a VOD program for playback and purchase at a viewer defined start time thereby providing a VOD system which

is more flexible for the user and allows the user to view a program at any time" (December 18, 2002 Office Action, page 9).

Claim 25 is patentable at least because it depends from claim 1. Claim 25 is also patentable because it adds features to the base claim that further define how video-on-demand program listings are displayed to the user.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The features added to independent claim 1, which include reminding the viewer of the start time for the ordered program and providing the viewer with an option to enter a viewer-defined start time for the ordered program, are not well known in the art. The features defined by claim 25 are not representative of knowledge that is of notorious character and do not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claim 25.

Accordingly, claim 25 is patentable and nonobvious in light of LaJoie.

IV.6 The Rejection of Claims 30 and 78

The Examiner rejected claims 30 and 78 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the feature of allowing a viewer to select a start time for the video-on-demand program by entering the start time with a set of numeric input keys on a remote control, as defined by claims 30 and 78. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to select a start time via numeric keys to enable a subscriber to order a program with fewer button presses on the remote, thereby saving time for the subscriber " (December 18, 2002 Office Action, page 10).

Claims 30 and 78 are patentable at least because they depends from claims 27 and 75, respectively. Claims 30 and 78 are also patentable because they add features to their

respective base claims that further define features for advance ordering a video-on-demand program.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The feature added to independent claims 27 and 75, which includes allowing a viewer to select a start time for the video-on-demand program by entering the start time with a set of numeric input keys on a remote control, is not well known in the art. The feature defined by claims 30 and 78 are not representative of knowledge that is of notorious character and does not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claims 30 and 78.

Accordingly, claims 30 and 78 are patentable and nonobvious in light of LaJoie.

IV.7 The Rejection of Claims 33, 34, 81, and 82

The Examiner rejected claims 33, 34, 81, and 82 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the feature of providing a purchase price for a video-on-demand program, where the purchase price is dependent on whether the viewer advance orders the video-on-demand program or is reduced when the viewer advance orders the video-on-demand program, as defined by claims 33, 34, 81, and 82. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to include a discount for pre-ordering events in order to encourage more subscribers to order events, including those subscribers who would not order the event at a higher price " (December 18, 2002 Office Action, page 10).

Claims 33, 34, 81, and 82 are patentable at least because they depends from claims 27 and 75, respectively. Claims 33, 34, 81, and 82 are also patentable because they add features to their respective base claims that further define features for advance ordering a video-on-demand program.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The feature added to independent claims 27 and 75, which includes providing a purchase price for a video-on-demand program, where the purchase price is dependent on whether the viewer advance orders the video-on-demand program or is reduced when the viewer advance orders the video-on-demand program, is not well known in the art. The features defined by claims 33, 34, 81, and 82 are not representative of knowledge that is of notorious character and does not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claims 33, 34, 81, and 82.

Accordingly, claims 33, 34, 81, and 82 are patentable and nonobvious in light of LaJoie.

IV.8 The Rejection of Claims 38-41, 73-74, and 86-89

The Examiner rejected claims 38-41, 73-74, and 86-89 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the features of selecting a start time for a video-on-demand program ordered by a viewer, reminding the viewer of a selected providing a purchase price for a video-on-demand program, and allowing the viewer to change the start-time, as defined by claims 38-41, 73-74, and 86-89. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to include a set top storage device which plays back a stored program at a viewer defined start time in order to allow a user to view a VOD program at any time, including times in which the program is not available for download" (December 18, 2002 Office Action, page 11).

Claims 38-41, 73-74, and 86-89 are patentable at least because they depend from claims 27, 50, and 75, respectively. Claims 38-41, 73-74, and 86-89 are also patentable because they add features to their respective base

claims that further define features for providing video-on-demand programs.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The features added to independent claims 27, 50, and 75, which include allowing the user to change the start time as indicated by a reminder to a new start time, where the ordered video-on-demand program automatically starts at the new start-time, is not well known in the art. The features defined by claims 38-41, 73-74, and 86-89 are not representative of knowledge that is of notorious character and does not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claims 38-41, 73-74, and 86-89.

Accordingly, claims 38-41, 73-74, and 86-89 are patentable and nonobvious in light of LaJoie.

IV.9 The Rejection of Claim 51

The Examiner rejected claim 51 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

Claim 51 is patentable at least because it depends from claim 50. Claim 51 is also patentable because it adds features to the base claim that further define how video-on-demand program listings are displayed to the user. Accordingly, claim 25 is patentable and nonobvious in light of LaJoie.

IV.10 The Rejection of Claim 53

The Examiner rejected claim 53 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

The Examiner has conceded that LaJoie does not show the feature of allowing the viewer to browse through available categories of video-on-demand program listings, as defined by claim 53. However, the Examiner has taken Official Notice that such features are well known in the art. The Examiner therefore contends that "it would have been obvious to one skilled in the art at the time of invention to modify LaJoie to

group VOD programming by theme thereby allowing a subscriber to find VOD programming which they are interested in more rapidly" (December 18, 2002 Office Action, pages 11-12).

Claim 53 is patentable at least because it depends from claim 50. Claim 53 is also patentable because it adds features to the base claim that further define how video-on-demand program listings are displayed to the user.

Applicant respectfully submits that the Examiner's Official Notice is not justified. "The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being '"well known"' in the art" (MPEP § 2144.03). The features added to independent claim 50, which include reminding the viewer of the start time for the ordered program and providing the viewer with an option to enter a viewer-defined start time for the ordered program, are not well known in the art. The features defined by claim 53 are not representative of knowledge that is of notorious character and do not justify the Examiner's use of Official Notice. Therefore, according to MPEP § 2144.03, applicant respectfully submits that the Examiner is required to cite a reference to support the Official Notice used in rejecting claim 53.

Accordingly, claim 25 is patentable and nonobvious in light of LaJoie.

IV.11 The Rejection of Claims 71 and 72

The Examiner rejected claims 71 and 72 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie. Applicant respectfully traverses this rejection.

Claims 71 and 72 are patentable at least because they depend from claim 50. Claims 71 and 72 are also patentable because they add features to their respective base claims that further define features for advance ordering a video-on-demand program.

Accordingly, claims 71 and 72 are patentable and nonobvious in light of LaJoie.

V. New Claims 98-144

Applicant has also added new independent claim 98. New independent claim 98 is directed towards machine-readable medium and is similar to independent claims 1 and 50. Applicant have also added new dependent machine-readable medium claims 99-122. New dependent claims 99-122 add further patentable features to independent machine-readable medium

claim 98 and are similar to dependent system claims 2-26 and dependent method claims 51-74. No new matter has been added and claims 99-122 are fully supported and justified by the specification.

Applicant has also added new independent claim 123. New independent claim 123 is directed towards machine-readable medium and is similar to independent claims 27 and 75. Applicant has also added new dependent machine-readable medium claims 124-137. New dependent claims 123-137 add further patentable features to independent machine-readable medium claim 123 and are similar to dependent system claims 28-41 and dependent method claims 76-89. No new matter has been added and claims 124-137 are fully supported and justified by the specification.

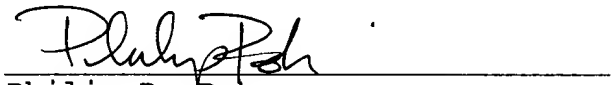
Applicant has also added new independent claim 138. New independent claim 138 is directed towards machine-readable medium and is similar to independent claims 42 and 90. Applicant has also added new dependent machine-readable medium claims 139-144. New dependent claims 139-144 add further patentable features to independent machine-readable medium claim 138 and are similar to dependent system claims 43-49 and dependent method claims 91-97. No new matter has been added

and claims 139-144 are fully supported and justified by the specification.

VI. Conclusion

In view of the foregoing, claims 1-144 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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APPENDIX
(Showing How Claims 1, 27, 42,
50, 75, and 90 Have Been Amended)

In the Claims

1. (Amended) An interactive television program guide system implemented on viewer television equipment having a main display screen, comprising:

means for displaying a given television program on the viewer television equipment; [and]

means for displaying a partial screen program guide display on the viewer television equipment at the same time that said given television program is displayed, said program guide display including at least one video-on-demand program listing; and

means for displaying a video-on-demand program immediately when a viewer selects said video-on-demand program listing.

27. (Amended) An interactive television video-on-demand program guide system implemented on viewer television equipment having a main display screen comprising:

means for displaying a program guide display on the viewer television equipment that displays at least one video-on-demand program listing;

[means for ordering a video-on-demand program represented by said video-on-demand program listing; and]

means for allowing a viewer to advance order a [said] video-on-demand program represented by said video-on-demand program listing; and

means for allowing said viewer to input a start-time to display said video-on-demand program in response to receiving a request from said viewer to advanced order said video-on-demand program.

42. (Amended) An interactive television video-on-demand program guide system implemented on viewer television equipment having a main display screen comprising:

means for displaying a program guide display on the viewer television equipment that displays at least one video-on-demand program listing;

means for allowing a viewer to request [requesting of] a video clip preview of a video-on-demand program represented by said video-on-demand program listing; and

means for indicating that said video clip preview is available for said video-on-demand program represented by said video-on-demand program listing.

50. (Amended) A method for using an interactive television program guide system implemented on viewer television equipment having a main display screen comprising the steps of:

simultaneously displaying on the main display screen a television program and a partial screen program guide display including at least one video-on-demand program listing; [and]

allowing [the] a viewer to browse through available program listings in the program guide; and

displaying a video-on-demand program immediately when said viewer selects said video-on-demand program listing.

75. (Amended) A method for providing an interactive television video-on-demand program guide system implemented on viewer television equipment having a main display screen comprising:

displaying a program guide display on the viewer television equipment that displays at least one video-on-demand program listing;

[ordering a video-on-demand program represented by said video-on-demand program listing; and]

allowing a viewer to advance order [said] a video-on-demand program represented by said video-on-demand program listing; and

allowing said viewer to input a start-time to display said video-on-demand program in response to receiving a request from said viewer to advance order said video-on-demand program.

90. (Amended) A method for providing an interactive television video-on-demand program guide system implemented on viewer television equipment having a main display screen comprising:

displaying a program guide display on the viewer television equipment that displays at least one video-on-demand program listing;

allowing a viewer to request [requesting] a video clip preview of a video-on-demand program represented by said video-on-demand program listing; and

indicating that said video clip preview is available for said video-on-demand program.